

A portion of a 33 ft street (P.V. 1, Pg. 92; extended in D.V. 51, Pg. 312 and P.V. 1, Pg. 292) was not considered when First Rustic Acres Subdivision was platted (P.V. 2A, Pg. 149) nor when part of Out Lots 97 and 101 were surveyed (P.V. 9, Pg. 111). This resulted in having a street area included within the legal descriptions for some parcels in Out Lot 101 and Lots 922 thru 928 inclusive of First Rustic Acres Subdivision.

A petition to vacate a portion of this 33 ft street was granted by Millersburg Village Council according to Ordinance 90-106 recorded in Deed Vol. 248, Pg. 67. By operation of law, where a street is vacated by a city, the land of which it was comprised passes in equal halves to the abutting lot owners.

Since the land which comprised the street was also included in the legal descriptions of the abutting land owners, it was necessary to split the street area in half, take it out of the existing parcels of land, and transfer it to their respective abutting land owners. The abutting land owners involved in this specific case are father and son, Herm Cline (DL 97 and part DL 101) and Kurt Cline (part DL 101 and Lot 923).

Referring to Plat Vol. 12, Pg. 483... (See Hi-lited plat in Rustic Acres File)

Herm Cline gained:

.036 ac (from Kurt, Lot 923 to DL 97)
1 sq ft (from Kurt DL 101 to DL 97),

Kurt Cline gained:

.060 (from Kurt, DL 101 to DL 101)
.012 (from Kurt Lot 923 to DL 101)
.085 (from Kurt, Lot 923 to Lot 923).

Immediately following recording of Ordinance 90-106, Herm Cline Quit Claimed back to Kurt the land from the vacated street (D.V. 248, Pg. 75), which I combined back into the original parcels described in Kurt's deeds (Vol. 215, Pg. 4 and Vol. 245, Pg. 238).